

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

☐ County ☐ City ☐ Town ☒ Village

(Select one:)

of Schoharie

Local Law No. _____ of the year 20¹³

A local law Amending the Zoning Law with Respect to the Use Table, Density Bonuses, Requirements

(Insert Title)

for a Planned Development Area (PDA) and Authorizing a PDA for a Senior Housing

Project

Be it enacted by the Village Board _____ of the
(Name of Legislative Body)

☐ County ☐ City ☐ Town ☒ Village

(Select one:)

of Schoharie _____ as follows:

See Attached Pages

(If additional space is needed, attach pages the same size as this sheet, and number each.)

PART A – Amending the Zoning Law with Respect to the Use Table, Density Bonuses and Requirements for a Planned Development Area (PDA)

Section 1. Purpose and Intent:

1. To meet the vision and goals of the Comprehensive Plan that seeks to revitalize the Village of Schoharie as a center for retail, service, government, and housing in the area; to protect visual and historic resources; maintain the residential qualities of the Village; ensure that new commercial development is appropriate in scale and design with existing structures and community character; encourage a variety of high quality housing types to meet the needs of all residents, especially senior citizens; and to promote affordable housing opportunities.
2. To provide a wide variety of new housing opportunities to address the housing needs of residents created as a result of Hurricane Irene.
3. To allow for an increased density of residential uses consistent with the existing infrastructure of the Village and to allow under-developed parcels of land to be developed consistent with the comprehensive plan.
4. To encourage more senior housing to meet the needs of the community
5. To encourage new building to be energy efficient and to use green building techniques.
6. To ensure that emergency service providers can be located within the Village in order to effectively provide such services.

Section 2. Amend Use Table and Add Definition

A. Amend Table 2-6.1 to add the following:

Use	Land Use Areas				
	Agriculture	Residential	Central Business District	Industrial	Planned Development Area
Emergency Service Facility	XS	XS	N	XS	XS

B. Add the following definition to 14-2:

Emergency Service Facility: A building or structure, owned or maintained by the local fire department or ambulance squad and used to house fire trucks, ambulances, and other emergency vehicles as well as office space and other rooms needed to support provision of emergency services.

Section 3. Change Eligibility for Density Bonuses

A. Replace the entirety of 2-7.4 (B) as follows:

B. Eligibility for Density Bonuses. To encourage preservation of open space, efficient use of lands, senior housing, construction of energy efficient structures, and minimal environmental impacts of development, the following residential density bonuses may be granted as positive incentives for desired features as follows:

(1) To encourage Preservation of open space: The Planning Board may grant a density bonus of 1 dwelling unit per 5 acres of land preserved permanently as open space.

(2) To encourage public access: The Planning Board may issue a maximum density bonus of 1 dwelling unit for every 5 acres of land dedicated for public use, including trails, active recreation, access to streams, or other similar uses. The decision whether to accept an applicant's offer to dedicate open space for public access shall be at the discretion of the Village Board. In its decision, the Planning and Village Boards shall be guided by the open space and public access recommendations contained in the Comprehensive Plan.

(3) To encourage affordable and senior housing: Density bonuses may be offered to encourage the provision of new homes priced at affordable levels or dedicated for senior citizens. A density bonus of 1 additional lot or dwelling unit for each affordable or senior housing unit, up to a maximum 25% increase in dwelling units may be issued. Affordable housing are housing units dedicated to accommodate lower-income persons or first time home buyers. The term "lower-income person" means a household having and income equal to or less than the Section 8 low-income limit established by the United States Housing and Urban Development Agency ("HUD"). Generally this means a family or individual whose average monthly income does not exceed 80 percent of the median income for the area, as determined by HUD, with adjustments for smaller or larger families.

(4) To encourage energy efficiency building design and construction: Density bonuses may be offered to encourage the construction of LEED Certified Buildings. A density bonus of 15% additional lots or dwelling units may be approved for construction using LEED Certified building construction.

Section 4. Change Dimension Requirements for Planned Development Area.

A. Replace the entirety of Table 2-7.2 as follows:

	Agriculture (1) (2)	Residential (1) (3)	Central Business District	Commercial	Industr- ial	Planned Develop- ment Area
Minimum Lot Width	65 feet	Min. 50 feet, Max. 100 feet	25 feet	50 feet	100 feet	(4)
Minimum Lot depth	120 feet	100 feet	100 feet	100 feet	200 feet	(4)
Build to Line	25 feet	15 feet	(3)	15 feet	25 feet	25 feet
Min/Max Front Yard	20/30 feet	10/25 feet	--	10/25 feet	20/30 feet	20/30 feet
Side Yard	15 feet minimum	15 feet minimum	0 feet	--	25 feet	25feet
Rear Yard	15 feet minimum	15 feet minimum	NA	55 feet minimum (one row of parking)	75 feet minimum	50feet
Building Height	Maximum 2 ½ stories and 35 feet	Maximum 2 ½ stories and 35 feet	Min 2 stories, Max 3 stories	Maximum 2 ½ stories and 40 feet	Max 2 ½ stories and 40 feet	Maximum of 45' subject to approval of the Planning Board and the Village Board upon review of each specific PDA at the time of application
Maximum Building Coverage of Lot	25%	40%	100%	60%	60%	(4)
Minimum Floor Area	600 square feet	600 square feet	--	--	--	(4)

B. Amend Table 2-7.2 Footnote related to PDA: A minimum of three acres is required for any Planned Development Area. Other dimensions to be determined by the Village Board at time of approval of the PDA pursuant to 2-8.6.

C. Replace the entirety of Section 2-8.6(A) as follows:

A. Applicability and Purposes

(1) A planned development area is the development of a tract of land as a single entity for mixed or other uses not otherwise allowed or contemplated by the regulations governing the existing land use area. Thus, the purpose of a Planned Development Area is to zone an area for a variety of uses or uses that further the Village of Schoharie Comprehensive Plan. The ability to allow a variety of uses to exist together is implicit in the regulations governing most of the Village with the forewarning that most nonresidential uses are subject to site plan review and Special Use Permit review to insure that they are compatible with the community.

Specific Purposes of Planned Development Areas. The purpose of a Planned Development Area is to allow variations or waivers to the fixed requirements of the existing land use areas otherwise imposed on development and to allow such development to occur as a Planned Development Area. Additionally, the Planned Development Area concept fulfills the goals of the Comprehensive Plan of the Village of Schoharie by allowing for:

- A more desirable living and working environment than may be possible through the strict application of land use regulations;
- Developers to use more creative approaches in their development of land;
- A more efficient and desirable use of open land; and
- Mixed land uses in the development of the Village.

C. Replace the entirety of Section 2-8.6 (B) as follows:

B. Minimum Requirements for Establishment of a Planned Development Area. The minimum requirements for establishment of a Planned Development Area shall be as follows: The area proposed for the Planned Development Area shall be under single ownership both at the time of the application for the Planned Development Area and when the Planned Development Area is adopted. The area constituting the Planned Development Area shall be three or more acres in size.

D. Amend Section 2-8.6(D) by replacing the last paragraph with the following:

The Village Board of Trustees must also find that the property proposed for a Planned Development Area is three acres or more in size and that the land is under single ownership. Additionally, creation of a Planned Development Area is subject to the State Environmental Quality Review Act (Article 8 of the New York State Environmental Conservation Law). Approval of a Planned Development Area does not constitute site plan review or Special Use Permit approval, which are obtained from the Planning Board for the specific uses authorized in the Planned Development Area.

E. Amend Section 2-8.6(H) by adding:

(5) The Village Planning Board shall require that any structure and lot layout in a PDA shall be consistent with the character, architectural style, and aesthetic values of the surrounding neighborhood and the Village of Schoharie Comprehensive Plan.

PART B – Amending the Zoning Law to Authorize a PDA for a Senior Housing Project

Section 1. Purpose and Intent:

The Village of Schoharie Village Board received a request for the proposed Birchez of Schoharie Senior Housing Project, including a request for the establishment of a planned development area under the Village Land Use Law § 2-8.6; and

The purpose of creating a planned development area pursuant to Village Land Use Law Section 2-8.6 is to permit opportunities for a senior citizen residential complex and supporting amenities; and

The proposed location of the planned development area is Route 30 in the Village of Schoharie, tax parcel Section 72.17 Block 6 Lots 1.1 and 10; and

In general terms the project consists of the construction of a seventy-two unit affordable housing project for seniors 55 years old and older in one 58,100 square foot, two-story garden style building and two single-story cottages of 6,000 square feet each, including a supportive housing component consisting of a 15% set-aside for the frail elderly and those endangered of nursing home displacement; and

In January 2013 the Village Board of the Village of Schoharie conducted a review of the project, an unlisted action, under the State Environmental Quality Review Act and determined that the project would have no significant adverse impacts on the environment; and

The Village Board submitted the proposed planned development area to the Schoharie County Planning Board as required by New York State General Municipal Law §239-m and received a favorable response thereon; and

The Village Board referred the planned development area application to the Village of Schoharie Planning Board pursuant to the requirements of the Village's Land Use Law and received a favorable recommendation to approve the zoning change; and

The Village Board reviewed the application and considered the standards for adoption of a planned development area as set forth in the Village of Schoharie Land Use Law and thereafter passed a resolution authorizing the change of zoning for the parcels to a planned development area; and

The resolution authorizing the change of zoning to a planned development area authorized and directed that the zoning map be updated to indicate the parcels have been rezoned as a PDA, and thereafter referred the proposal to the Village Planning Board for site plan review; and

The Village of Schoharie Village Board issued a written Negative Declaration under the State Environmental Quality Review Act setting forth its reasons for determining that the project

would have no impact on the environment, and thereafter adopted a resolution adopting the Negative Declaration; and

The Village Board held a public hearing on the zone change on January 4, 2013 and thereafter adopted resolutions authorizing the zoning change including the issuance of the Negative Declaration under SEQRA and authorizing the amendment of the zoning map for the project; and

As set forth and authorized in those resolutions and the accompanying resolutions, the Village Board of the Village of Schoharie, after holding a duly noticed public hearing, hereby adopts this local law, which creates the PDA and amends the zoning designation of tax map parcels 72.17-6-1.1 and -10 from residential to PDA.

Section 2. Authority

This zoning designation and change is enacted pursuant to the provisions of section 10 of the Municipal Home Rule Law and Village of Schoharie Land Use Law 2-8.6, et seq.

Section 3. Application

The Village Board of the Village of Schoharie hereby creates a PDA for the construction of senior housing, which use shall be subject to site plan review by the Village of Schoharie Planning board. The Village Board hereby amends the Land Use Map of the Village of Schoharie to change the zoning of parcels 72.17-6-1.1 and -10 from Residential to Planned Development Area ("PDA") as noted on the attached Exhibit.

PART C – General Provisions

Section 1. General Authority

This local law is enacted pursuant to the provisions of section 10 of the Municipal Home Rule Law and Village of Schoharie Land Use Law 2-8.6, et seq. and Chapter 13.

Section 2. Repeal

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed, including Local Law 2 of 2012.

Section 3. Severability

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this local law shall not affect the validity of any other part of this local law which can be given effect.

Section 4. Effective Date

This local law shall take effect immediately upon the filing of such law with the office of

the New York Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20¹³ of the ~~(County)(City)(Town)~~(Village) of Schoharie _____ was duly passed by the Village Board _____ on _____ 20¹³, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body)
(repassed after disapproval) by the _____ and was deemed duly adopted (Elective Chief Executive Officer*)
on _____ 20____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20____. (Elective Chief Executive Officer*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20____. Such local (Elective Chief Executive Officer*)
law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

Clerk of the county legislative body, City, Town or Village Clerk or
officer designated by local legislative body

(Seal)

Date: _____